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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,219	10/31/2003	Christian Wilms	081276-1019	1495
34044	7590	08/17/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202			GRAHAM, GARY K	
		ART UNIT	PAPER NUMBER	
		1744		

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/698,219	WILMS ET AL.
	Examiner Gary K. Graham	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 21 and 31 appear to set forth an improper embodiment which is not described. Claims 21 and 31 set forth coverings on wiper arms that have both an articulating bolt and a safety hook. No such wiper arm is discussed in the specification. It appears that if a covering is employed, the safety hook is not featured (see page 5, lines 14-18).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 15, 23, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Block (German patent 19924662).

The patent to Block discloses the invention as is claimed (fig.3), including a wiper arm (12) with a device for detachable connection to a pivoted wiper blade (14) at one end. The device includes an articulating bolt (56) that can be welded to the wiper arm and a safety hook (60), which extends beyond the bolt (fig. 5), for partially gripping around the wiper blade. Note that as applicant considers welding of the bolt to the arm to constitute the bolt and arm being one piece, the patent to Block meets all the limitations of claim 1.

Claims 14-17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Laar et al (Netherlands patent 1017344).

The patent to Laar discloses the invention as is claimed (figs.1-3 and 6), including a wiper arm (1) with a device for detachable connection to a pivoted wiper blade at one end. The device includes an articulated bolt (4) that can be welded (12) to the wiper arm and a safety hook (not numbered, but clearly shown), which extends beyond the bolt (fig.2), for partially gripping around the wiper blade.

With respect to claims 16, 17, 26, 27, 29, 30 note that the arm of Laar is formed of flat material (sheet metal) that is twisted about 45 degrees at a connection section around its longitudinal axis (see fig.2).

With respect to claims 22 and 32, note the figure 6 embodiment of Laar wherein the wiper arm will restrict pivotal motion of the blade as it will be above the blade.

Claims 14, 16, 18, 23, 24, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (KR patent 1020020072622).

The patent to Park discloses the invention as is claimed (see fig.), including a wiper arm (20) with a device for detachable connection to a pivoted wiper blade (40) at one end. The device includes an articulated bolt (32) fixed to the wiper arm and a safety hook (28) for partially gripping around the wiper blade. Note that as applicant considers mere attachment of the bolt to the arm to constitute the bolt and arm being one piece, the patent to Park meets all the limitations of claim 1.

With respect to claims 16 and 26, note that the arm of Park is formed of flat material that is twisted about 90 degrees at a connection section around its longitudinal axis (see fig.2).

With respect to claims 18 and 28, note that a connecting section of Park is twisted 90 degrees about the longitudinal axis of the wiper arm.

***Response to Arguments***

Applicant's arguments filed 20 June 2005 have been fully considered but they are not persuasive. Applicant argues that the construction claimed is not taught by the cited references. However, no specifics are argued as to what the cited or applied references do not show. While there is no comparison to the applied art, Applicant does set forth that the safety hook is a bent section of the free end of the wiper arm beyond the position of the articulating bolt. As set forth above, the safety hooks of the applied references does extent beyond the articulating bolt.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
15 August 2005